

REMARKS

Claim 6 has been allowed. Claim 9 is hereby canceled. Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prizzi, U.S. Patent No. 5,611,123, in view of the patents to Darr or Locke.

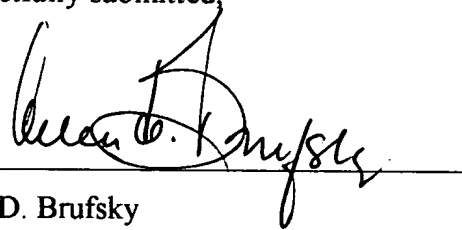
Applicant has now amended the claims to patentably differentiate from the art of record. The claims now call for the tube holder to have two separated clamping surfaces or split halves having an identical cross-section which together form a cylindrical surface. The clamping surfaces are hingedly connected along one split edge, such as by a living hinge. None of the secondary patents to Darr and Locke show the connection of two split halves being connected by a living hinge formed by a groove to effect clamping around a cylindrical surface without an additional closure element. Accordingly, no teaching of applying a living hinge to pair or split, identical, cross-section clamp halves so it may fit comfortably about a cylindrical portion of a frame of a chair. The rejection should be withdrawn and the application passed on to issue.

No fee is believed due with this Amendment. However, should a fee be deemed necessary, please charge such amount, or credit any overpayment, to the undersigned's Deposit Account No. 501851.

Date:

Apr 20, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen D. Brufsky", is written over a horizontal line.

Allen D. Brufsky
Reg. No.: 21,056
Attorney for Applicant(s)
Allen D. Brufsky, P.A.
475 Galleon Drive
Naples, FL 34102
Tel: (239) 261-9393
Fax: (239) 261-9696

19078